

DENNIS L. KENNEDY
Nevada Bar No. 1462
JOSEPH A. LIEBMAN
Nevada Bar No. 10125
JOSHUA P. GILMORE
Nevada Bar No. 11576
TAYLER D. BINGHAM
Nevada Bar No. 15870
BAILEY ♦ KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302
Telephone: 702.562.8820
Facsimile: 702.562.8821
DKennedy@BaileyKennedy.com
JLiebman@BaileyKennedy.com
JGilmore@BaileyKennedy.com
TBingham@BaileyKennedy.com

Attorneys for Defendants and Counterclaimant
RUSSELL J. SHAH, M.D.; DIPTI R. SHAH,
M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI
R. SHAH, MD, LTD.; and RADAR
MEDICAL GROUP, LLP dba UNIVERSITY
URGENT CARE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLSTATE INSURANCE COMPANY,
ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY, and ALLSTATE
FIRE & CASUALTY INSURANCE
COMPANY,

Plaintiffs,

vs.

RUSSELL J. SHAH, M.D.; DIPTI R. SHAH,
M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI
R. SHAH, MD, LTD.; and RADAR MEDICAL
GROUP, LLP dba UNIVERSITY URGENT
CARE, Does 1-100, and ROES 101-200,

Defendants.

AND RELATED CLAIMS.

Case No. 2:15-cv-01786-APG-DJA

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE
REPLIES TO RESPONSES TO
SUMMARY JUDGMENT MOTIONS**

(Third Request)

Defendants and Counterclaimant Russell J. Shah, M.D., Dipti R. Shah M.D., Russell J. Shah, MD, Ltd., Dipti R. Shah, MD, Ltd., and Radar Medical Group, LLP d/b/a University Urgent Care (collectively, the “Radar Parties”) and Plaintiffs/Counterdefendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, and Allstate Fire & Casualty Insurance Company (collectively, the “Allstate Parties”), by and through their respective attorneys of record, stipulate and agree as follows:

1. On December 16, 2022, Radar filed its detailed Motion for Summary Judgment Regarding Allstate’s Failure to File an Answer to the Amended Counterclaims [ECF No. 457] (“Radar MSJ No. 1”).

2. On December 16, 2022, the Allstate Parties filed their detailed Motion for Summary Judgment as to both counterclaims alleged by Radar in this matter [ECF No. 458] (“Allstate MSJ”).

3. On December 16, 2022, the Radar Parties filed their Motion for Summary Judgment on Allstate’s Causes of Action in its First Amended Complaint [ECF Nos. 460, 461] (“Radar MSJ No. 2”).¹ It is an extensive, detailed motion covering 50 pages of points and authorities² along with 35 volumes of exhibits [ECF Nos. 462-496] gleaned from the extensive discovery that took place in this matter.

4. On March 9, 2023, the Allstate Parties filed their Response [ECF No. 511] to Radar MSJ No. 1.

5. On March 10, 2023, Radar filed its Response [ECF Nos. 514, 515] to the Allstate MSJ.³ The response contains 30 pages of points and authorities along with 22 volumes of exhibits [ECF Nos. 516-523, 525-537, 539-543].

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¹ ECF No. 460 was publicly-filed and ECF No. 461 was filed under seal.

² Pursuant to the Court’s December 16, 2022 Minute Order [ECF No. 456], the Radar Parties were granted leave to file an oversized brief that did not exceed 50 pages.

³ ECF No. 514 was publicly-filed and ECF No. 515 was filed under seal.

1 6. On March 14, 2023, the Allstate Parties filed their Response [ECF No. 547] to Radar
2 MSJ No. 2. The response contains 61 pages of points and authorities⁴ along with three volumes of
3 exhibits. In addition, the Allstate Parties filed their 71-page Evidentiary Objections to Questions
4 Posed During Allstate Insurance Company's 30(b)(6) Depositions [ECF No. 551] (the "Evidentiary
5 Objections").

6 7. Pursuant to a Stipulation of the parties submitted on March 15, 2023 [ECF No. 552],
7 which was granted pursuant to the Court's March 23, 2023 Order [ECF No. 553], the Replies to the
8 Responses to Radar MSJ No. 1, Radar MSJ No. 2, and the Allstate MSJ (collectively, the
9 "Motions"), and the Response to the Evidentiary Objections, were due on or before April 28, 2023.

10 8. Pursuant to a Stipulation of the parties submitted on April 21, 2023 [ECF No. 557],
11 which was granted pursuant to the Court's April 24, 2023 order [ECF No. 558], the Replies to the
12 Responses to the Motions, and the Response to the Evidentiary Objections, are due on or before May
13 12, 2023.

14 9. Counsel for the parties have been diligently working on the Replies. However, given
15 the number of issues presented and exhibits attached to the Responses, and due to time-pressing
16 work commitments in other multiple matters, additional time is needed for the parties to prepare and
17 file their Replies to the Responses to the Motions (and for the Radar Parties to file their Response to
18 the Evidentiary Objections).

19 10. Further, as directed by the Court's March 12, 2023 Order [ECF No. 545], the parties
20 met and conferred for purposes of deciding which exhibits should be sealed or redacted in relation to
21 the Allstate Parties' Response to Radar MSJ No. 1. The parties submitted a Stipulation on March
22 31, 2023 [ECF No. 554], which was granted by the Court's April 6, 2023 Order [ECF No. 555].

23 11. Also, on April 10, 2023, the Court entered an Order [ECF No. 556] directing the
24 Allstate Parties to file a renewed motion to seal by May 1, 2023, in relation to their Response to
25 Radar MSJ No. 2. In light of the stipulation and order detailed above, the parties met and conferred
26 in response to the Court's April 10, 2023 Order. On May 1, 2023, the parties submitted a Stipulation

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28 ⁴ Pursuant to the Court's March 9, 2023 Minute Order [ECF No. 510], the Allstate Parties
were granted leave to file an oversized brief that did not exceed 61 pages.

1 identifying which exhibits should be sealed or redacted, and which portions of the Response should
 2 be redacted, and the compelling reasons for doing so, along with the exhibits at issue. (*See* ECF
 3 Nos. 559-560.)

4 12. In light of the amount of time that was initially granted to the parties to file their
 5 respective Motions after the close of discovery; the amount of time that was granted to the parties to
 6 file their respective Responses to the Motions; the number of issues and claimants involved in this
 7 case; the sheer volume of discovery that was completed (*see, e.g.*, Order [ECF No. 427] at 2:13-8:6);
 8 the critical importance of the Motions; the number of exhibits attached to the parties' briefing on
 9 summary judgment; the efforts made by the parties to meet and confer over redactions to
 10 confidential exhibits associated with the Motions; the existing work schedule of counsel for the
 11 parties, including, but not limited to, appellate briefing in other matters for the Allstate Parties'
 12 counsel and discovery-related work and motion practice in other matters for the Radar Parties'
 13 counsel; and in order to ensure that the parties have a full and adequate opportunity to address the
 14 Responses to their respective Motions, good cause exists to extend the deadlines for Replies to the
 15 Responses to the Motions and for the Response to the Evidentiary Objections as follows:

16 a. Radar Medical shall now have until May 24, 2023 to file its Reply to the
 17 Response to Radar MSJ No. 1;

18 b. The Allstate Parties shall now have until May 24, 2023 to file their Reply to
 19 the Response to the Allstate MSJ; and

20 c. The Radar Parties shall now have until May 24, 2023 to file their (i) Reply to
 21 the Response to Radar MSJ No. 2 and (ii) Response to the Evidentiary Objections.

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13. This is the third request to extend the deadlines for Replies to Responses to the Motions and for the Response to the Evidentiary Objections. Neither side presently anticipates any further extensions will be needed for the Replies and the Response. This stipulation is made in good faith and not to delay the proceedings.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 5th day of May, 2023.

DATED this 5th day of May, 2023.

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

BAILEY ♦ KENNEDY

By: /s/ Todd W. Baxter
JONATHAN W. CARLSON
TODD W. BAXTER
GREGORY S. MASON
8337 West Sunset Road, Suite 350
Las Vegas, NV 89113


By: /s/ Joshua P. Gilmore
DENNIS L. KENNEDY
JOSEPH A. LIEBMAN
JOSHUA P. GILMORE
TAYLER D. BINGHAM
8984 Spanish Ridge Avenue
Las Vegas, NV 89148

ERON Z. CANNON
JENNIFER M. SMITROVICH
FAIN ANDERSON VANDERHOEF
ROSENDAHL O'HALLORAN
SPILLANE PLLC
701 Fifth Avenue, Suite 4750
Seattle, WA 98104

Attorneys for Defendants & Counterclaimant

Attorneys for Plaintiffs/Counterdefendants

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: May 8, 2023